

## PLANNING COMMISSION MINUTES

Gardner, Kansas

Monday, June 26, 2006

The Planning Commission met in regular session on the above date at the Gardner City Hall, 120 E. Main Street, Gardner, Kansas.

### I. Call to Order

Chairman Koranda called the meeting to order at 7:00 p.m. Commissioners present: Paul Kilgore, Greg Godwin, Eileen Mertz (7:07 p.m.), Eric Schultz (7:17 p.m.), Jason Burnett, and Dan Popp. Commissioners absent: none. Also present: Community Development Director Fred Sherman, Planner Erik Pollom, City Administrator Stewart Fairburn, representatives for an applicant David Saab and Katrina Robertson of Selective Site Consultants, representative for an applicant Allan Soetaert of Rural Water District #7, and engineer for an applicant Jim Challis of Ponzer & Youngquist.

### II. Approval of Minutes

The minutes of the June 12, 2006, meeting, were approved by unanimous consent.

### III. Consent Items

Commissioner Koranda requested that Item SP-06-04, be removed from the Consent Agenda.

#### 1. FP-06-11

**Consider a Final Plat for Plum Creek Manor II, an 11 acre single family residential development located on the north side of W. 183<sup>rd</sup> Street, ¼ mile east of Center Street. The application is filed by Red Hawk Investors No. 1, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.**

1. **APPLICANT:** The applicant is Red Hawk Investors No. 1, L.L.C.; with engineering services provided by Allenbrand-Drews and Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests final plat approval for a tract of land containing approximately 10.79 acres for a single family residential development.
3. **LOCATION:** The property is located on the north side of W. 183rd Street, ¼ mile east of S. Center Street.
4. **EXISTING ZONING:** The property is zoned R-1, Single Family Residential District (Z-96-10).
5. **ANALYSIS:** The applicant requests approval of a final plat for Plum Creek Manor II. This final plat features 39 lots for single family homes. The preliminary plat (PP-04-01) for this property was approved by the Planning Commission on June 14, 2004. It includes 230 lots for single family residential homes. This final plat is the second phase of that development, and differs slightly from the approved preliminary plat. As noted in the staff report for PP-04-01:  
**Prospective Public Safety Facility**  
Lots 137-140 of this preliminary plat, along with "Tract D" and the open space owned by the City in the southwest corner of this plat, may be combined to allow the City to build a public safety facility. Such a change would be reflected in the final plat, and would result in the removal of the cul-de-sac that currently provides access to those lots. This change was reflected in the submitted final plat for the first phase of Plum Creek Manor, which replaced a cul-de-sac in the southwest corner of the preliminary plat with a continuous row of lots and an open space to the southwest. The change resulted in a slight shifting of lots that is reflected in the submitted final plat for Plum Creek Manor II. With the exception of the above-mentioned Public Safety accommodation, the overall arrangement of lots and streets adheres to the approved preliminary plat.
6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the Final Plat for Plum Creek Manor II (FP-06-11) and forward the item to the City Council with a recommendation to accept the easements and rights-of-way, subject to the following condition:
  - a. Prior to recording of the final plat, the required excise tax shall be paid.

**2. SP-06-03**

**Consider a Site Plan for First Choice Office building, a 4,914 square foot office building located on the north side of Lincoln Lane, east of Stone Creek Drive. The application is filed by First Choice Builders; with engineering services provided by Peridian Group, Inc.**

1. **APPLICANT:** The applicant is First Choice Builders; with engineering services provided by Peridian Group, Inc.
2. **REQUESTED ACTION:** The applicant requests approval of a site plan for a 4,914 sq. ft multi-tenant office building. **This item is continued from the May 8, 2006, Planning Commission meeting.**
3. **LOCATION:** The property is located on the north side of Lincoln Lane, east of Stone Creek Drive.
4. **EXISTING ZONING:** The property is currently zoned M-2, General Industry District.
5. **ANALYSIS:** The applicant requests approval of a site plan for the First Choice Office Building, a 4,914 square foot building containing four attached tenant spaces. The proposed site plan meets City standards for parking and landscaping.

**Industrial Park Overlay District**

This property lies partially within the Industrial Park Overlay District as outlined by Section 16.526 of the Zoning Ordinance, which is established to promote high quality developments with an emphasis on aesthetics, compatibility and overall site integration. The submitted site plan adheres to the guidelines set out by that overlay district.

**Building Elevations**

The overall design of the proposed building has been changed to accommodate the Planning Commission's request for a wider drive lane along the eastern portion of this property. While the materials have remained the same as the original elevations, the revised building features a more symmetrical design compared to the original "L"-shaped design. The submitted elevations indicate that the building's lower half will be banded with stone veneer, with the exception of the area surrounding the doors to the three storage areas in the rear of the building. The upper portion of the building will be painted, six inch, lap siding. The composite shingle roof includes a varied roofline and covered office entrances. The bottom two-thirds of the supporting beams are wrapped with stone veneer. These proposed building elevations exceed the Industrial Park Overlay District architectural design standards.

**Access and Parking**

The primary access to this site was predetermined with the approval of the site plan for the Peridian Office Building that lies immediately to the west. Access to this property is provided via the Peridian Building parking lot to minimize and align curb cuts on Lincoln Lane.

A service drive that leads to a dead-end service access area to the rear entrances and storage areas is indicated along the eastern border of the property. This access drive was originally proposed to be only one lane wide (twelve feet), which would likely have created traffic conflicts for vehicles and trucks entering and exiting the rear of the tenant spaces. At the direction of the Planning Commission, the applicant has widened this drive to eighteen feet, and has shortened the portion of the drive that is constricted to this width.

The total service floor area of the four tenant spaces has been increased from 3,647 to 3,812 square feet. The twenty provided parking stalls exceeds current requirements.

6. **STAFF RECOMMENDATION:** Staff recommends approval of the site plan for the First Choice Office Building (SP-06-03), with the following stipulations:
  - a) The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Building Elevations) which are filed in the office of the Planning Commission Secretary and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
  - b) No signage is approved with the site plan. Separate sign permits are required prior to the installation of any signage.
  - c) Prior to the issuance of a Certificate of Occupancy, all rooftop and ground mounted mechanical equipment shall be screened from view with an architectural and/or landscape treatment that is compatible with the building architecture.
  - d) Prior to the issuance of any building permits, the property shall be final platted and the required excise tax shall be paid.

Consent Agenda Item No. 1, Final Plat for Plum Creek Manor II (FP-06-11) was forwarded to the City Council with a recommendation for approval of the easements and rights-of-way, subject to staff recommendations, by unanimous consent.

Consent Agenda Item No. 2, Site Plan for First Choice Office Building (SP-06-03) was approved by unanimous consent, subject to staff recommendations.

#### IV. Agenda Items

##### (3.)SP-06-04

**Consider a Site Plan for Rural Water District #7 Expansion, a 4,430 square foot building addition located at 534 W. Main Street. The application is filed by Rural Water District #7; with engineering services provided by Allenbrand-Drews & Associates, Inc.**

1. **APPLICANT:** The applicant is Rural Water District #7; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests approval of a site plan for a building expansion and parking lot improvements to serve an industrial office building.
3. **LOCATION:** The property is located at 534 W. Main Street.
4. **EXISTING ZONING:** The property is zoned M-2, General Industry District.
5. **ANALYSIS:** The applicant requests approval of a site plan for an expansion of the existing building and improvements to the parking areas of the Rural Water District #7 office building. The plans propose a 4,430 square foot expansion of the existing 4,156 square foot building for a total floor area of 8,566 square feet. Rural Water District #7 currently owns three platted parcels – Lots 11, 12, and 13 of the Replat of Westhaven. This proposed expansion extends the building over the platted lot line between lots 11 and 12.

##### **Building Design**

The existing building features a brick front façade with a standing-seam metal parapet that wraps around to both sides of the building's front portion. The sides and rear of the building are covered by standing-seam metal panels. The proposed addition continues the same architectural scheme, with a brick front and metal sides and rear. The parapet is proposed to be changed from metal to EIFS.

##### **Parking**

The parking area expansion will be on the south side of the proposed building addition. The most significant change to the parking area, which is currently has no defined parking stalls, will be the added striping. The parking lot addition complies with the established setback requirements from U.S. Highway 56. The total number of stalls shown (16) exceeds City requirements for M-2 development. Additional landscaping, trees and shrubs along the street frontage, will be planted as part of this expansion. The existing access off U.S. Highway 56 does not comply with current design standards. Improvements to this drive will be required when the vacant lot to the west, owned by this applicant, is developed.

6. **STAFF RECOMMENDATION:** Staff recommends approval of the site plan for Rural Water District #7 Addition (SP-06-04), with the following stipulations:
  - a. The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Building Elevations) which are filed in the office of the Planning Commission Secretary and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
  - b. No signage is approved with the site plan. Separate sign permits are required prior to the installation of any signage.
  - c. Prior to the issuance of a Certificate of Occupancy, all rooftop and ground mounted mechanical equipment shall be screened from view with an architectural and/or landscape treatment that is compatible with the building architecture.

Chairman Koranda asked if there would be any windows on the east side of the building. Allen Soetaert, manager of Rural Water District #7, explained that there were no windows planned for that area of the building due to security reasons, but they would add windows if the Planning Commission requested them to do so.

Chairman Koranda asked if any elements could be added to the east elevation to break up the "industrial building" appearance. Mr. Soetaert suggested that landscaping could be placed along that wall. Planner Pollom pointed out the proposed landscaping on the site plan. Commissioner Godwin suggested that false windows along the east wall would also improve the appearance of the building.

The commissioners agreed that additional landscaping and faux windows along the east side of the proposed building would improve the overall appearance of the building.

Motion Mertz, second Burnett to approve the Site Plan for Rural Water District #7 Addition (SP-06-04), subject to staff recommendations and one additional condition of approval:

- a) The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Building Elevations) which are filed in the office of the Planning Commission Secretary and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
- b) No signage is approved with the site plan. Separate sign permits are required prior to the installation of any signage.
- c) Prior to the issuance of a Certificate of Occupancy, all rooftop and ground mounted mechanical equipment shall be screened from view with an architectural and/or landscape treatment that is compatible with the building architecture.
- d) The east elevations shall be enhanced by the placement of two false windows in the middle two sections of that side of the building, and landscaping shall be added utilizing a large tree along the northeast section of the east wall and additional smaller landscaping along the rest of the wall.

Motion to Approve Carried: 7 to 0 Aye

## 1. CUP-06-03

**Conduct a public hearing and consider a conditional use permit to allow the construction and operation of a communications tower in an industrial zoning district, located at 760 E. Warren Street. The application is filed by Construction Materials, Inc.; with engineering services provided by Selective Site Consultants.**

Chairman Koranda opened the public hearing at 7:20 p.m.

Planner Pollom presented the staff report.

1. **APPLICANT:** The applicant is Ray Goffinet on behalf of Construction Materials, Inc.; with engineering services provided by Selective Site Consultants.
2. **REQUESTED ACTION:** The applicant requests approval of a Conditional Use Permit to construct a communications transmission tower.
3. **LOCATION:** The property is located at 760 E. Warren Street.
4. **EXISTING ZONING:** The property is zoned M-2, General Industry District.
5. **EXISTING CONDITIONS:** The site is bordered on the north by the Burlington, Northern and Santa Fe (BNSF) railroad right-of-way, on the west by unincorporated agricultural land, on the south by industrial uses, and on the east by an electrical substation.
6. **CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Community Development Plan designates this area for industrial uses. The proposed use is in conformance with the Community Development Plan with the approval of a Conditional Use Permit.
7. **ANALYSIS OF CUP APPLICATION:** The applicant requests approval of a conditional use permit for a communications transmission tower and antenna, commonly known as a cell phone tower. Communications transmission towers are allowed as a conditional use in an M-2 zoning district.

### **Proposed Tower Design**

The proposed tower is a tapered tubular steel monopole 120 feet high, with an antenna array and five foot lightning rod mounted at its highest point. The zoning ordinance sets the current maximum height for a tower of this kind at 160 feet. No color is specified for the tower. The Zoning Ordinance, Section 16.519.3, states:

Tower Design - All communication towers shall be of a monopole design unless required by the Planning Commission or Governing Body to be architecturally compatible to surrounding development.

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Tower Color - All communication tower and antenna structures shall be galvanized metal, except otherwise required by the Planning Commission or City Council. Exceptions may be granted, based on FAA or FCC regulations.

All criteria set for the design and placement of a communications tower in an M-2 zoning district have been satisfied. The immediate area features numerous similar structures, most notably the steel poles that carry electric transmission lines to and from the electrical substation. Staff has investigated the possibility of locating the antenna array on one of these existing poles, but has been assured by electric division staff that such an arrangement is not feasible.

### **Tower Placement**

The tower and its associated equipment platform are shown in a thirty by thirty foot lease area in the extreme northeastern corner of the Construction Materials, Inc., (CMI) lumber storage yard. The tower itself is just over 67 feet from the north property line (BNSF right-of-way), and just under 43 feet from the eastern property line that borders the City's electrical substation. The required setback for a communications tower in an M-2 district is:

Setbacks - All towers and antennas shall meet the required setbacks of the zoning district. In addition to complying with the district regulations, the antenna shall be setback from the property lines a distance equal to the height of the communication tower. A lesser setback may be approved with the Conditional Use Permit, upon demonstration by a licensed structural engineer registered in the state of Kansas that the fall zone of the communication tower is within the radius of the setback.

If the communication tower and antenna are setback less than the height of the tower or antenna, it shall be inspected and approved upon construction, by a licensed structural engineer, registered in the state of Kansas. Such towers shall be re-inspected every five (5) years to insure the structural integrity and safety of the antenna.

Given the height of the proposed tower (120 feet), the proposed lesser setback requires documentation by a structural engineer ensuring that the fall zone of the tower will not encroach upon neighboring properties. Staff has received an engineer's letter, which is attached to this staff report. It states that there are no known cases of monopoles "falling" due to natural causes, and that the tower would be designed with a "first fail" mechanism:

"...where the tower structure is designed with the weakest point located 40 [feet] down from the top. If the tower is loaded to where the induced stresses exceed the yield strength of the material, the tower would experience a local buckling at this 'first fail' point before any other point in the tower. If the 'first fail' point were to be loaded such that the yield stress were exceeded, the tower would only be deformed at this point (perhaps bending over onto itself) and a detached piece of tower would not result."

The City's engineering staff has reviewed this letter and has taken no exception to its conclusions. City electrical staff has stated their preference for the tower to be relocated, given the proximity of the neighboring electrical substation, but the applicant has met the requirement of accounting for the tower's proposed setbacks with a structural engineer's letter.

8. **STAFF RECOMMENDATION:** As the application meets the criteria outlined in the Zoning Ordinance, staff recommends that the Planning Commission forward the Conditional Use Permit for the Construction Materials, Inc., communications transmission tower (CUP-06-03), to the City Council with a recommendation for approval; subject to the following stipulations:
  - a. The development shall be in accordance with Exhibit "A" (Site Plan) which is filed in the office of the Planning Commission Secretary and which is incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
  - b. The conditional use permit shall expire after a period of ten (10) years from the date of City Council approval.
  - c. The tower and antenna structures shall be galvanized metal.
  - d. Mobile or immobile equipment not used in direct support of the tower facility shall not be stored or parked on the site of the communication tower unless repairs to the tower are being made.
  - e. A building permit with structural and electrical drawings, sealed by a licensed structural engineer registered in the state of Kansas is required.
  - f. The landowner shall be responsible for the removal of the communications tower or facility within six months (6) in the event the lessee fails to remove it upon abandonment.

Chairman Koranda invited questions from the commissioners. There were no questions.

Chairman Koranda invited comments from the applicant. Katrina Robertson of Selective Site Consultants, representative for the applicant, presented herself for any questions from the commission.

Chairman Koranda invited comments from the public. There were no comments.

Motion Schultz, second Mertz, to close the public hearing at 7:25 p.m.

Motion Carried: 7 to 0 Aye

Chairman Koranda invited comments from the commissioners.

Commissioner Kilgore asked if the City's electric division staff had objections to the proposed tower. Planner Pollom stated that they had expressed concerns that it could fall into the City's electric substation, despite the engineer's letters in support of the tower design and construction.

The commissioners, Planner Pollom, and Director Sherman discussed the design, construction, and fall zone of the proposed tower, including the engineers' letters regarding the "first fail" point forty feet from the top of the tower, and possible adverse weather effects.

Commissioner Godwin inquired about the justification and need for the proposed communications tower. Planner Pollom explained that staff had received and reviewed the applicant's submitted reports regarding justifications, tower need, and current and proposed coverages, and had found them sufficient to meet the City's criteria for requesting the permit for the tower.

Katrina Robertson, Director Sherman, and the commissioners discussed existing cell phone tower coverages, and the applicant's proposed new cell phone provider and coverage.

Commissioner Godwin expressed his desire to see more information regarding landscaping, tower sharing, construction materials, and facility access. He stated his strong disagreement with the proposed location. He also expressed his strong concerns regarding the potential fall zone of the tower and the inadequate proposed setback.

Chairman Koranda asked about equipment enclosures. David Saab of Selective Site Consultants explained that the ground equipment would be in all-weather cabinets set on platforms, rather than placed within buildings.

Commissioner Godwin stated that the proposed site was an unsuitable location because that area already created a displeasing appearance at the entrance to the City because of the existing power substations and multiple power poles.

Director Sherman explained that the existing communications towers within the City had been approved by the county, prior to annexation into the City; therefore, the request before the commission was the first to go through the City's process for application for a new tower. He pointed out that the applicant had met all of the City requirements and standards as set by current code.

Chairman Koranda asked the applicant to substantiate the need for the proposed communications tower. Mr. Saab explained that the applicant, Cricket Communications, was a new service provider in the area, who would be doing a metro-wide build that would be 90% co-locations on existing towers. He explained that the proposed site was chosen because there were no suitable co-location towers in the immediate area for the new carrier to provide necessary coverage. He stated that the

proposed site was the best location to meet the city and highway coverage objectives of the company.

Commissioner Godwin asked how far the proposed tower would be from the railroad tracks. Planner Pollom stated that it would be approximately 130 feet from the tracks.

Mr. Saab pointed out that communication towers were often built near or in electric facility compounds, and next to large buildings. He explained that the towers were built to exacting engineering standards on sites constructed as securely as possible, and added that the structures were subject to all City building permit standards and inspections.

Commissioner Mertz asked if there were any existing zoning districts in the City where such towers were allowed by right. Director Sherman explained that communication towers were only allowed by conditional use permits, and pointed out that the applicant had met all of the City's regulations and guidelines for such a use.

Commissioner Mertz stated that the proposed site was a suitable location precisely because there were already multiple poles in that immediate area, which would help the tower to blend into the overall appearance of that area.

Mr. Saab stated that the tower would have a multi-carrier pole, and the site would be actively marketed to other carriers for co-locations.

Mr. Saab and the commissioners briefly discussed the design of the pole that would allow co-locations. Mr. Saab stated that the pole would allow three antennas.

Commissioner Popp stated that, since the applicant had provided all the requested information and met all of the City code requirements, there didn't seem to be any real basis on which to deny the request.

Chairman Koranda stated that some of the commissioners would like further information on the proposed site access, the equipment storage structures, and landscaping.

Planner Pollom explained that the code required landscaping or fence screening of the site. He added that staff felt that the fence was appropriate screening based on the code requirements and what was appropriate to the surrounding area.

Commissioner Mertz suggested that it would be nice to have some landscaping around the site, also. Commissioner Godwin stated that he was not especially concerned about landscaping on the site because placing a tower in that location would only make a bad situation worse. He added that he would rather see multiple smaller towers scattered throughout town than a few of the very tall towers, such as what was proposed.

Commissioner Godwin stated that the engineers' letters provided by the applicant did not satisfy all of his concerns regarding potential tower failure under all possible conditions.

Mr. Saab and the commissioners discussed moving the site to another location on the subject property. Mr. Saab stated that the property owner would only allow that particular site to be used.

The commissioners discussed the proposed setbacks, and whether they met the City code requirements. Director Sherman explained that the code required setbacks to be the height of the tower, unless documentation by a structural engineer ensured that the fall zone would not encroach upon neighboring properties, which had been provided by the applicant. Commissioner Godwin stated that he did not believe that the engineers' letters had satisfied that requirement.

Chairman Koranda stated that he was satisfied with the engineered design standards and safety features. He added that the existing power poles in the subject area would actually serve as camouflage for the proposed tower.

Commissioner Mertz stated that the tower should be set back eight feet from the property line, within its fall zone. Director Sherman restated that, per code, the applicant had provided letters from structural engineers stating the safety features and fall zone of the proposed tower.

The commissioners and Director Sherman discussed the engineers' letters regarding structural designs, fall zones, and fail points.

Chairman Koranda restated the issues that the commissioners would like to be addressed:

- the distance from the proposed tower to the property and structures east of the subject site;
- access to the site;
- facility equipment structures;
- landscape or fencing plans; and
- reports on the need and suitability of the site.

Mr. Saab explained that the applicant's lease agreement provided for 24/7 access to the site through the parent property.

The commissioners and Director Sherman again discussed the engineers' letters regarding structural designs, fall zones, and fail points. Chairman Koranda suggested that, at some point, the commission needed to accept the reports of experts in their fields and City staff recommendations as sufficient approvals of technical issues.

Motion Popp, second Burnett, to forward the Conditional Use Permit for a Telecommunications Tower in a general industry district (CUP-06-03) to the City Council with a recommendation for approval, subject to staff recommendations.

Chairman Koranda asked if the discussions about landscaping and fencing had provided satisfactory information for all the commissioners. The commissioners agreed that the proposed fencing was sufficient screening of the site and any equipment enclosing structures would not be necessary.



Commissioner Schultz pointed out the potential of a structure failure of the proposed tower compromising the security fencing around the electrical substation, thereby providing unauthorized access and causing a considerable safety hazard to anyone illegally entering that substation site. He suggested that the proposed tower site should be moved farther west from the electric substation.

Commissioner Kilgore stated his preference for the ground equipment to be enclosed by a structure. Mr. Saab explained the different kinds of equipment utilized by different carriers, adding that most service providers used outdoor equipment cabinets set on concrete slabs. He also stated that 100% setbacks were unusual for communication towers, with typical setbacks being eight to ten feet.

Chairman Koranda restated the motion to be voted on. Motion Popp, second Burnett, to forward the Conditional Use Permit for a Telecommunications Tower in a general industry district (CUP-06-03) to the City Council with a recommendation for approval, subject to staff recommendations.

Motion to Forward Carried: 4 to 3

Aye

(Kilgore, Koranda, Burnett, Popp: Aye)  
(Godwin, Mertz, Schultz: Nay)

Chairman Koranda called a five minute recess at 9:12 p.m.

Chairman Koranda recalled the meeting to order at 9:17 p.m.

## **2. Capital Improvement Plan – 2007-2012**

### **Conduct a public hearing to discuss the 2007-2012 Capital Improvement Plan of the City of Gardner.**

**SUMMARY:** The Capital Improvement Plan (CIP) is adopted as part of the City's annual budget cycle. Kansas State Statute KS 12-748 requires Planning Commission approval of the CIP as being in conformity with the community development plan. The statute states:

- "12-748. Same; construction of public facility or utility in conformance with comprehensive plan. (a) Except as provided in subsection (b), whenever the planning commission has adopted and certified the comprehensive plan for one or more sections or functional subdivisions thereof, no public improvement, public facility or public utility of a type embraced within the recommendations of the comprehensive plan or portion thereof shall be constructed without first being submitted to and being approved by the planning commission as being in conformity with the plan. If the planning commission does not make a report within 60 days, the project shall be deemed to have been approved by the planning commission. If the planning commission finds that any such proposed public improvement, facility or utility does not conform to the plan, the commission shall submit, in writing to the governing body, the manner in which such proposed improvement, facility or utility does not conform. The governing body may override the plan and the report of the planning commission, and the plan for the area concerned shall be deemed to have been amended.
- a. Whenever the planning commission has reviewed a capital improvement program and found that a specific public improvement, public facility or public utility of a type embraced within the recommendations of the comprehensive plan or portion thereof is in conformity with such plan, no further approval by the planning commission is necessary under this section.
  - b. The provisions of this section shall become effective on and after January 1, 1992."

The CIP presented at the meeting will indicate those capital projects that are scheduled to be funded through 2012. The projects show a combination of existing infrastructure maintenance and new development.

**STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the Capital Improvement Plan 2007–2012 for the City of Gardner, and find that the plan is in conformity with the adopted Community Development Plan - 2003.

Chairman Koranda opened the public hearing at 9:20 p.m.

City Administrator Stewart Fairburn distributed and explained the Community Improvements Plan Project Summary (Exhibit A).

Motion Schultz, second Mertz, to extend the meeting to 10:10 p.m. Motion Carried: 7 to 0 Aye

Chairman Koranda invited comments from the public. There were no public comments.

Motion Burnett, second Mertz, to close the public hearing at 10:01 p.m.  
Motion Carried: 7 to 0 Aye

Motion Mertz, second Popp, to approve the Capital Improvement Plan 2007-2012 and find that it is in conformity with the adopted Community Development Plan.  
Motion to Approve Carried: 7 to 0 Aye

## **V. Discussion Items**

### **1. Study Session Schedule**

**Discuss 2006 study session schedule to establish a work priority plan.**

Director Sherman discussed the work priorities submitted by the majority of the planning commissioners and explained the proposed work study plan. The commissioners expressed their preferred work study items:

- Team A; Growth Areas/Land Use/Infrastructure: Commissioner Kilgore and Commissioner Mertz
- Team B; Development Standards/Economic Development/Commercial: Commissioner Burnett and Commissioner Popp
- Team C; Environment/Governance/Residential: Commissioner Godwin and Commissioner Schultz

Chairman Koranda agreed to fill in on any team in the absence of a team member.

## **VI. Adjourn**

Motion Schultz, second Burnett, to adjourn the meeting at 10:16 p.m.  
Motion to Adjourn Carried: 7 to 0 Aye

Cindy Weeks, Planning Service Specialist  
Community Development Department

**EXHIBIT A****Capital Improvement Projects Summary****Major Projects****Wastewater**

Bull Creek Lift Station	2007	5,120,000	Changing treatment plant to lift station to move flow to Kill Creek for treatment
Kill Creek Expansion	2010	16,400,000	First phase handles 25,000 people, needs next expansion that will handle 50,000
White Drive Sewer Relief	2010	1,600,000	Depends on development of the property not currently in city limits
24" Force Main Extension	2014	1,450,000	Force main to Kill Creek full - need another line

**Water**

Hillsdale Plant Expansion	2006	7,500,000	Current 2 mgd, expands 4 mgd
NW Elevated Storage Tank	2007	3,100,000	At Kill Creek Plant - Includes water line along 159th to Gardner Road - loops
Gardner Lake Plant Replace	2009	13,500,000	All treatment shut down - cannot meet EPA standards
Warren Street Line Replace	2010	500,000	Upgrade for better looping
Other Plant expansion possible	2014	16,400,000	May need more expansion

**Streets**

Santa Fe relocate	2007	1,500,000	Santa Fe and Moonlight, move it south
Lincoln Lane - Cedar to Moon	2007	2,000,000	Connect Lincoln through
Moonlight North & intersection	2009	5,200,000	From Warren north to 164th
Moonlight South	2010	2,800,000	Warren to 183rd

**Benefit Districts**

Kill Creek Benefit District			Street, Water, Sewer
Center Street Commons			Widen culvert under 183rd east of Center

**Electric**

R-51 - 175th Street	2006	212,500	From Sub 3 to St Johns Trace
R-53 - 167th Street	2006	275,000	From Sub 3 to Symphony Farms
S. Waverly Extension-183rd	2007	425,000	Getting closer to Sub 4 location
Sub 4 & transmission line	2009	4,700,000	SW section of town
Sub 3 2nd transformer	2010	1,100,000	Expansion of substation at Waverly & 167th
Substation 1 improvements	2011	975,000	Energy Center

**Buildings**

Public Works Facility	unknown at this time		Streets, parks, utility crews - looking for some land
Energy Center Expansion	unknown at this time		site plan development in 2006
Fire Station 2	2007	950,000	183rd at water tower
Fire Station 3	2009	1,000,000	Kill Creek and 167th

**Parks**

Tennis Court Lights	2006	103,000	Preparation of aquatic park expansion
Neighborhood Park Land	2006	150,000	Every other year
Aquatics Expansion	2007	4,200,000	Park Sales Tax
Celebration Park	2007	7,000,000	Park Sales Tax
Neighborhood Parks	2007	250,000	Every other year

**Stormwater**

Gardner Planning Commission Minutes of June 26, 2006

Unidentified Projects	2007	150,000	Every year - have grant to do Storm Water Study this year
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**ATTENDEES**  
of the  
6-26, 2006  
PLANNING COMMISSION MEETING

**PLEASE SIGN**

**PLEASE PRINT**

NAME	COMPANY (if applicable)	ADDRESS
David Saab	SSC Inc	8500 W 110 <sup>th</sup> O.P. KS
Katrina Robertson	SSC Inc	" "
ALLAN SOETAGHT	RWB 7	PO Box 7 GARDNER
Jim Chellis	Ponzer Youngquist	227 E. Dennis Olathe